

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN MILLERS MUTUAL
INSURANCE COMPANY,

Plaintiff,

Case No. 1:09-CV-596

v.

Honorable Robert Holmes Bell

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND, et al.,

Defendants.

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On October 21, 2010, Magistrate Judge Joseph G. Scoville issued a Report and Recommendation ("R&R") (Dkt. No. 141) recommending that the joint motion of Plaintiff Michigan Millers Mutual Insurance Company and Defendant Fidelity and Deposit Company of Maryland be granted and that Count 3 of Plaintiff's complaint be dismissed with prejudice. The R&R was duly served on the parties. No objections have been filed, and the deadline for doing so has expired. The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation. Accordingly,

IT IS HEREBY ORDERED that the Magistrate Judge's October 21, 2101, R&R (Dkt. No. 141) is **APPROVED and ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that the joint motion of Plaintiff Michigan Millers Mutual Insurance Company and Defendant Fidelity and Deposit Company of Maryland (Dkt. No. 111) is **GRANTED**.

IT IS FURTHER ORDERED that Count 3 of Plaintiff's complaint is **DISMISSED** with prejudice.

Dated: November 10, 2010

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE